



POLICY AND ADMINISTRATIVE PROCEDURES

Manual of Policies and Procedures

Title

OFFENDER URINALYSIS PROGRAM

Legal References

(includes but is not limited to)

IC 11-8-2-5(a)(8)

Related Policies/Procedures

(includes but is not limited to)

01-02-106

02-04-101

Other References

(includes but is not limited to)

ACA:

ACI: 4-4437

I. PURPOSE:

The purpose of this policy and administrative procedures is to establish a urinalysis program for offenders in Department of Correction facilities.

II. POLICY STATEMENT:

It is the intent of the Department of Correction that offenders in its facilities are to be free from illegal and inappropriately used controlled substances. As a part of the Department's "zero tolerance" for the illegal and inappropriate use and possession of controlled substances, the Department shall implement a urinalysis testing program that will incorporate random, follow-up, saturation, and suspect testing for the use of illegal and inappropriate controlled substances.

All offenders in the Department of Correction shall be subject to testing through a urinalysis program. This program shall be conducted by staff with the suspected positive specimens provided by offenders sent to a selected laboratory for analysis. Initial analysis at the facility which indicates the presence of a controlled substance shall be subject to a confirmation test. Additionally, this testing program shall incorporate procedures for when offenders fail to provide an adequate specimen, an adulterated specimen or refuse to participate in the urinalysis program. Offenders who receive positive urinalysis results indicating the use of a controlled substance(s), who provide inadequate or adulterated specimens or who refuse to participate in the testing shall be subject to disciplinary action in accordance with the appropriate disciplinary code.

All staff involved in administering the urinalysis program shall receive training in the proper collection techniques and these administrative procedures. Staff shall be trained in and shall ensure that correct chain-of-custody procedures are followed.

Information shall be collected on all urinalysis samples and reported in a database established and maintained by the Department. This information shall be used to determine the use of controlled substances within the Department and to assist in

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the development of appropriate treatment programming for the offender population.

III. DEFINITIONS:

For the purpose of these administrative procedures, the following definitions are provided:

- A. **CHAIN OF CUSTODY:** The process which provides and documents the proper handling and storage of a specimen from the time it is collected until the time of its proper disposal.
- B. **FACILITY COORDINATOR:** The staff person designated at the facility to oversee the implementation and coordination of the urinalysis program at that facility.
- C. **RANDOM SAMPLE:** The process to select a set sample of offenders for urinalysis testing at each facility that gives each offender in the facility an equal chance of being selected at each sampling.
- D. **SATURATION TESTING:** The testing of a group of similarly situated offenders, such as those offenders on a work crew or living in the same housing unit.
- E. **SUSPECT TESTING:** The testing of a particular offender due to a reasonable belief that the offender may have used or be under the influence of a controlled substance.
- G. **URINALYSIS:** Testing using a urine sample to determine the presence of a controlled substance in an offender's system.

IV. FACILITY COORDINATOR:

The Facility Head at each facility shall designate a staff person to serve as the Facility Urinalysis Testing Coordinator. This staff person shall have responsibility for the implementation and coordination of the urinalysis program.

The Facility Head shall advise the Quality Assurance Director/Substance Abuse Services as to the name, title, telephone number and e-mail address of the staff person selected to serve as the Facility Coordinator.

The Facility Coordinator shall be responsible for completing all training designated by the Department.

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V. RANDOM SELECTION:

- A. A randomly selected sample of the offender population at each facility shall be tested monthly. Generally, this sample shall consist of 5 % of the offender population at the facility; however, it may be necessary to select a different sample at certain locations if it appears necessary to do so in order to obtain a statistically significant sample or if there appears to be a need for a different size sample.

This list shall be generated via the Substance Abuse Management System. This list is totally computer generated and drawn from existing offender populations in OIS, JDS, and OCMS. The Facility Coordinator shall be responsible for drawing, printing, and distributing the list to the appropriate staff. The list will be available any time after 12:00 a.m. on the 26th of each month for the upcoming month of testing. The list is to remain in a secure location at all times and testing shall not begin until the first of the month.

- B. Random testing of offenders shall be distributed throughout the month, whenever feasible. (i.e., if 40 offenders are selected for the month, approximately 10 should be tested each week.) If a small number of offenders is to be tested, the day of the month that testing is conducted is to be varied. The days on which specimens are collected shall include both weekdays and weekends, if feasible. Collections should occur at different times during the day, if feasible. Only the Facility Head or designee is to provide the names of offenders from the random list that are to be tested in the near future. The Facility Head or designee may waive random urinalysis on an offender whose projected release day may occur prior to receipt of the test results.

VI. SUSPECT TESTING OFFENDERS (PROBABLE CAUSE, FOR CAUSE):

Testing may be conducted for offenders suspected of being under the influence of alcohol or drugs using such factors as, but not limited to:

- A. Slurred speech;
- B. Redness of the eyes;
- C. Hyperactive behavior;
- D. Absence from direct staff supervision during off-grounds activity or returning from a temporary leave or work. (For Juveniles: All "Temporary Leaves" are to be marked "Saturation" request type);
- E. Known association and activity in drug related incident;
- F. Possession of a controlled substance;
- G. Loss of memory;
- H. Drastic change of eating habits and appetite; or,
- I. Appearance of being intoxicated with alcohol.

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VII. SATURATION TESTING:

A group of offenders (by dorm, work crew, range, etc.) may all be tested when a high incidence of drug use or trafficking is suspected. Additionally, all offenders returning from a temporary leave shall be tested which shall be considered a “saturation” test. Criteria for saturation testing may include, but are not limited to:

- A. A high percentage of positive results from the random testing process;
- B. A high incidence of trafficking offenses;
- C. A high incidence of conduct violations; or,
- D. Intelligence information indicating saturation testing is appropriate.

No group shall be selected for saturation testing based upon race, color, religion or national origin.

VIII. TESTING OFFENDERS IN A WORK RELEASE PROGRAM:

Offenders assigned to a Work Release program shall be subject to the same substance abuse testing as offenders in other facilities. Offenders in the Work Release program shall participate in the random urinalysis program. Offenders who receive a positive test result on a random urinalysis shall be subject to a disciplinary action based upon the positive test result. However, offenders found guilty of receiving a positive test result shall not be transferred from the Work Release program. Instead, the facility shall keep these offenders in the Work Release program and subject them to a loss of all pass privileges, except for those to go to work. These offenders shall be referred the Substance Abuse Counselor immediately and placed in the appropriate substance abuse treatment program, if not already in treatment. Additionally, the Work Release staff may impose any other appropriate sanctions in accordance with the disciplinary code. As offenders shall not be subject to removal from the Work Release program or deprived of earned Credit Time or demotion in Credit Class for the first positive test result, it shall not be necessary to hold these offenders in the Work Release Center pending the test results.

Offenders in the Work Release program who receive a positive test result on any urinalysis other than the initial test, including on a follow-up urinalysis based upon an initial positive test result, shall be subject to a disciplinary action, including removal from the Work Release program. These offenders shall be considered a threat to the safety and security of the facility, transferred from the Work Release program to a higher security level and subject to demotion in Credit Class and the loss of earned Credit Time. Any offender in the Work Release program who has previously received a positive test result shall be held in the facility pending receipt of the urinalysis results.

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IX. TESTING OF OFFENDERS ON PAROLE STATUS:

Offenders on Parole status shall be subject to random and for cause testing in accordance with the procedures developed by the Division of Parole Services. Parolees who receive positive results from a urinalysis, shall be subject to a disciplinary action which may include return to a Department facility as a parole violator and a hearing before the Indiana Parole Board.

Parole staff shall follow the same basic collection procedures as indicated in these administrative procedures. They shall also follow all data entry requirements for negatives and confessed positives described in OBTAINING A SPECIMEN, SECTION O.

X. OBTAINING A SPECIMEN:

- A. Staff of the same sex as the offender being tested shall directly supervise the process of obtaining the urine specimen.
- B. Any staff member observing and/or obtaining the urine specimen SHALL observe all Universal Precautions procedures. All staff shall wear latex exam gloves at all times when handling the specimen bottle.
- C. No waiting period or extra time need be allowed for an offender who directly and specifically refuses to provide a urine specimen. Refusal to submit a urine specimen is considered the same as receiving a positive test result and shall subject the offender to disciplinary action under the appropriate disciplinary process.
- D. An offender is expected to provide a urine specimen within two (2) hours of the request. To assist the offender in providing the specimen, staff shall offer the offender no more than eight (8) ounces of water at the beginning of the two-hour time period, if requested.
- E. To reduce the possibility of diluted or adulterated specimens, staff shall keep the offender under direct visual supervision during this two-hour period, or until a specimen is furnished. Where direct supervision is not practical throughout a lengthy waiting period, one (1) of the following two (2) procedures shall be utilized by staff:
 - 1. If the offender fails to provide an adequate sample on the initial attempt, staff shall empty the sample and keep the offender confined. Within the original 2 hour time frame, staff shall give the offender a new specimen bottle and directly supervise the offender when he/she indicates the ability to again attempt to provide a specimen.

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2. Staff may provide indirect supervision, e.g., confinement in a dry room or cell or other secure restricted area. Reasonable precautions shall be implemented to ensure the offender is not able to dilute or adulterate the specimen (e.g., strip searches, no access to water, chemical, detergents, bluing agents in toilet, etc.) Facility operational procedures shall specifically identify the location to be used for this purpose.
- F. An offender may also be dry celled, at the discretion of the Shift Supervisor, if there is adequate reason to believe the offender has a history of shy bladder syndrome. The same precautions described in Procedure XI. E. 2. shall be followed.
- G. In obtaining the urine specimen, if at all possible, the offender should submit enough urine to fill the entire specimen bottle but no less than the amount required to perform the initial testing. If an offender refuses to provide a urine specimen within the allotted time, staff shall document that the offender refused to provide a specimen. (See XI. D.) The waiting period and amount of water given shall be documented in the conduct report.
1. The facility shall designate a specific location where offender urine specimens can be collected that includes a desk or table and chair where the staff person collecting the sample can test the sample, complete the chain of custody and prepare the sample for transport to the laboratory, if necessary. Additionally, this space shall ensure for an adequate amount of privacy for the offender providing the urine specimen; but, allowing the staff person the proper ability to observe the providing of the specimen.
 2. When possible a second staff person should be available to observe the collection and testing process and to serve as a back-up for the primary staff person.
 3. The staff person shall give the offender a sealed specimen cup and advise the offender that he/she should attempt to fill the cup as much as possible with urine.
 4. The staff person shall observe the offender while the offender is providing the specimen as indicated above.
 5. Once the offender has completed providing a specimen, the offender shall securely attached the lid to the cup and place the specimen cup on the desk/table.
 6. The staff person shall ensure that the lid is securely attached to the cup and check the temperature strip on the specimen cup to ensure proper temperature (The temperature is read between two[2] to four [4] minutes to verify a range of 90 to 100 degrees F) and determine

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whether it appears that there is a sufficient quantity of urine to complete the initial test.

7. The staff person collecting the specimen shall complete the hand-written Preliminary Results form that is designated for use with the initial screening (See ATTACHMENT).
 8. The staff person shall then peel off the labels to reveal the drug test strips and adulteration strips on the side of the cup.
 9. The staff person shall wait approximately two (2) to five (5) minutes and then read the adulteration strip to ensure that the sample is satisfactory. (NOTE: The adulteration strip is only to be used to determine if the specimen is suitable or if a new specimen needs to be obtained. It is not to be utilized for sanctioning purposes, since it is not a laboratory performed test.)
 10. The staff person should read the results of the test within five (5) to ten (10) minutes whenever possible. (NOTE: The test results are not valid after 60 minutes from when the sample was initially collected.)
 - a. Negative Result: TWO colored lines appear in the viewing window. The line in the test region (1, 2 or 3 area) is the drug probe line; the line in the control region (C) is the control line which is used to indicate proper performance of the test device. (NOTE: The color intensity of the test line may be weaker or stronger than that of the control line.
 - b. Positive Result: Only ONE (1) colored line appears in the control region (C). The absence of a test line indicates a (qualitative) positive result for that drug.
 - c. Invalid: If no (0) lines appear or if only the test line appears, the test is considered to be invalid and a new test is to be conducted. (NOTE: Staff shall use the same urine sample but use a new test device and repeat the above steps.)
 11. If the result is positive, the staff person shall complete the pre-printed Chain of Custody form to send the specimen to the laboratory for confirmation testing. (See ATTACHMENT) The staff person shall remove the "Security Seal" and bar code from the Chain of Custody form and secure the "Security Seal" over the lid of the cup and the bar code to the cup. Once the "Security Seal" is attached, the offender shall initial the "Security Seal."
 12. If the result is negative, the urine specimen may be disposed of in accordance with proper safety/hygiene precautions.
- H. The Shift Supervisor, Physician or medical staff, at their discretion, may increase the amount of water consumed, particularly in hot weather, and/or extend this two (2) hour period an additional hour where warranted by the

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specific situation. (e.g., where the offender has a documented medical or psychological problem, or where the offender may be dehydrated).

- I. Re-testing at the offender's request is not permitted on a positive test result.
- J. Offenders who refuse to give a urine specimen or test positive to a urine test shall be disciplined. Additionally offenders may be charged with the appropriate disciplinary code violation for refusal to submit to a test on the basis of failure to provide an adequate specimen for testing.

NOTE: A positive result represents unauthorized use when that use has not been approved by authorized Health Care personnel.

- K. If it is determined by the laboratory that a urine specimen has been adulterated or diluted, the offender shall be re-tested as soon as possible. Special precautions shall be taken to ensure that the offender does not have the opportunity to adulterate or dilute the new specimen. Specimens that are returned from the laboratory as either diluted AND positive shall be treated as any other positive test result. However, a diluted negative sample CANNOT be considered as a positive test result. If any offender's results repeatedly are returned as diluted, medical staff shall be consulted to determine if the offender is on medication that could cause the diluted results.
- L. Offenders who test positive for unauthorized use of a controlled substance or alcohol or refuse to submit to a test shall be re-tested monthly for a period of three (3) months following the receipt of the positive test results or refusal. They shall remain on the follow-up testing schedule until they complete a three (3) month testing cycle with no positive test results. This testing shall be in addition to the random testing being conducted monthly. The first retest should be conducted at least 30 days from the original test.
- M. If a urine sample tests positive for a controlled substance, facility staff shall determine if the positive result occurred due to use of an authorized medication prior to sending the specimen to the laboratory for confirmation testing. Medical staff (or staff authorized by the Facility Head) shall contact the laboratory toxicologist to determine if the positive result may have been the result of an authorized medication. If the positive result was due to an authorized medication, the sample will not be sent to the laboratory but will be entered into the database by the facility Coordinator as a "Authorized Positive." The Facility Coordinator shall be responsible for monitoring all facility testing and sample data entry for all negative initial test results, authorized positives or confessed positives utilizing the data entry screens built into SAMS or Parole OCMS.

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- N. When a Conduct Report is written on a positive test result, the date of incident shall be the date the positive result of the confirmation test was received from the laboratory.
- O. All negative initial test results shall be entered into the database by the facility Coordinator via the data entry screens available in the SAMS or Parole OCMS systems. Facility sample data entry will not be required for samples that are sent to Redwood Toxicology Laboratory for confirmation testing. Central Office will generate the monthly executive staff cumulative drug testing reports on the 10th of each month (Or next working business day, when the 10th falls on a weekend or holiday) for the prior month of testing. Central Office will not be monitoring the data entry. The reports will reflect whatever data has been data entered to the system as of date the reports are issued.
- XI. CHAIN OF CUSTODY:
- A. All staff collecting specimens shall have documented training in Collection and Chain of Custody Procedures. The approved Preliminary Drug Screen Result and laboratory Chain of Custody forms shall be used for documenting urine specimen collection. All Chain of Custody forms shall be completed in non-erasable ink. No liquid paper/white-out supplies are to be used on the Chain of Custody forms.
- B. The staff member who observes the specimen collection or receives the specimen directly from the offender must complete the approved Preliminary Drug Screen Result form and, if the result of the initial drug screen is “positive” then the pre-printed laboratory "Chain of Custody" form shall be completed.
- C. The collection date and time on the Chain of Custody forms shall be completed by the collector.
- D. The collector shall print the offender's name. The collector shall verify the identity of the offender by looking at the offender’s Department Identification Card and ensuring that it matches the offender. The offender's Department of Correction number shall be placed in the ID section of the Chain of Custody form. The Facility Coordinator shall ensure that all information requested on the Chain of Custody forms is provided and/or corrected via the Substance Abuse Management System when notified of errors.

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- E. The request type section of the Chain of Custody form shall be appropriately marked by the collector to indicate if the test was Random, Follow-up, For Cause or Saturation.
- F. The collector shall provide the specimen bottle to the offender. The collector shall directly observe the offender urinate into the bottle as indicated in Procedure X. E. The offender shall then place the cap on the collection bottle, ensuring that the cap is closed as tightly as possible.
- G. The collector shall verify the specimen temperature is within the specified range.
- H. The collector shall have the offender initial the white tamper proof Security Seal, if the initial drug screen result is positive and the specimen will be sent to the laboratory for confirmation testing. If the offender refuses to initial the Security Seal, the collector shall note on the seal that the offender refused to initial the seal. The collector shall then initial the white tamper proof seal.
- I. The collector shall place the seal over the bottle, centered over the cap, ensuring that all tape edges lay flat.
- J. The collector shall have the offender drop the bottle into the large pocket of the transport bag. The swab is to remain in the bag in case of leakage.
- K. The collector shall roll the air out of the bag and seal the bag, using the self-adhesive strip.
- L. The collector shall have the offender sign and date the Donor's Signature section of the Chain of Custody form. If the offender refuses to sign, the collector shall note the offender's refusal in the Donor's signature section, then initial and date this section.
- M. The collector shall sign and date the Collector's Signature section of the Chain of Custody form.
- N. The collector shall place the top (white) copy of the Chain of Custody form into the outside, smaller pocket of the transport bag. The collector shall keep the bottom copy of the Chain of Custody form for retention by the facility.
- O. Specimens, in their sealed evidence bags, shall be stored in a locked secure area until pick up by the laboratory courier.
- P. If specimen mailers are to be used, they are to be mailed within 24 hours of specimen collection, whenever possible.

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XII. RESTITUTION FOR COST OF CONFIRMATION TEST:

If the results of the initial drug screen are positive, the offender shall be advised of the results. The offender shall be advised that the specimen will be sent to the designated laboratory for a confirmation test. The offender shall also be advised that if the results of the confirmation test support the initial positive result the offender shall be charged with a violation of the applicable Disciplinary Code or a parole violation prepared. Additionally, the offender shall be advised that if he/she is found guilty of this violation, he/she shall be required to pay restitution in the amount of the cost of the confirmation test, as well as being given any other appropriate sanctions.

The offender shall also be given the opportunity to enter a plea of guilty to using a controlled substance in violation of the applicable Disciplinary Code or Parole Rules. Staff shall explain to the offender that the results of the initial drug screen indicated that the offender had used a controlled substance and that the offender may enter a plea of guilty at this time and avoid the potential cost for the confirmation test, if it confirms the presence of a controlled substance. If the offender indicates that he/she wishes to plead guilty to the possession and/or use of a controlled substance, the offender will be asked to read and sign **ADMISSION OF GUILT TO USING/POSSESSING CONTROLLED SUBSTANCE**. The offender shall be advised that by admitting guilt and signing this form, the offender will be waiving certain rights as indicated on the form and that the offender will not have the specimen submitted to the laboratory for a confirmation test. The offender shall also be advised that he/she will be subject to any disciplinary sanctions deemed appropriate in accordance with the applicable Disciplinary Code or Parole Rules. Additionally, the offender will be assessed restitution for the cost of the initial test (\$ 2.28). If the offender admits guilt and signs this form, the staff person collecting the sample shall sign the form as a witness and shall forward the form to the staff that will be responsible for hearing the Disciplinary case or Parole violation.

Offenders who receive positive test results to the initial drug screen and who do not admit guilt shall be advised that the specimen will be forwarded to the approved laboratory for a confirmation test. The offender shall also be advised that if the confirmation test also results in a positive finding for controlled substances, the offender shall be charged with a violation of the applicable Disciplinary Code or Parole Rules. Additionally, the offender shall be advised that if he/she is found guilty in a hearing, as a sanction, the offender will be assessed restitution for the initial test and the confirmation test (\$ 2.28 for the initial test and \$ 15.00 for the confirmation test).

Offenders whose initial test result is negative or whose confirmation test is negative shall not be charged for the cost of the initial drug screening or the confirmation test.

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XIII. OBTAINING DRUG TESTING SUPPLIES:

Facilities shall order the drug test kits (test strips, cups with lids and initial Chain of Custody forms, mailing supplies) from the Uniform Distribution Center (UDC) in lots of 25 tests. The facilities shall use the normal procedures for ordering the drug test kits that are used for ordering uniforms and other items from the UDC. The District Parole Offices shall send an e-mail to their Accountant for the ordering of drug test kits. Each Facility/Parole District shall be billed monthly by Central Office for drug testing supply items requested from the UDC.

XIII. TEST RECORDS:

- A. A copy of all laboratory result reports (Positive and Negative) shall be retained in the Disciplinary Section of the Offender's Facility Packet.
- B. If an offender requests a copy of a positive or negative test result, the facility shall provide the offender with a copy of the report in accordance with the administrative procedures for Policy 01-04-104, "The Establishment, Maintenance and Disposition of Offender Records."

XIV. APPLICABILITY:

This policy and its administrative procedures are applicable to all Department facilities, including any facilities contracting with the Department to house offenders and District Parole Offices, staff and all offenders in those facilities.

Signature on File

Edwin G. Buss
Commissioner

12/6/10

Date